

SIGNIFICANT SUBDIVISION ACT REQUIREMENTS

The Subdivision Control Act, being Act 288 of 1967, as amended was effective on January 1, 1968. The act established certain minimum standards for the subdivision of land and a uniform procedure for the submission and approval of subdivision plats.

Municipal officials are reminded that a review of local zoning and subdivision control ordinances should be made. Existing ordinances should be revised if necessary to be in agreement with the act. These revisions could also be made to include different types of land use and concepts in land development.

Local officials are reminded that the act relies on effective local administration of the law. The additional authority granted, however, cannot be invoked unless zoning and subdivision ordinances are legally adopted.

Here are some of the provisions requiring local ordinances and published regulations:

1. Sec. 105 and Sec. 106. Approval of preliminary and final plats shall be conditioned only upon compliance with the provisions of the act and any municipal ordinance or published rules adopted to carry out the provisions of the act.
2. Sec. 148(4) and Sec. 186(d) (e) and (f). Municipalities are empowered to establish lot width and area requirements, control the size, extent and location of outlots and provide assured permanent access of lots to streets (where direct access to a street is not desirable) but only by adoption of zoning and subdivision control ordinances.
3. Sec. 188(3). Municipalities are empowered to provide for installation of other improvements in addition to those required by the act, but only by ordinance.
4. Sec. 246(1). Municipalities are empowered to adopt a reasonable schedule of fees for review of plats, but only by ordinance.
5. Sec. 259. Municipalities are empowered to establish stricter standards for approval of plats than the minimum standards contained in the act, but only by ordinance.
6. Sec. 263. No lot, outlot or any other parcel of land in a recorded plat may be further partitioned or divided, unless in conformity with municipal ordinances. The ordinance may permit splitting of a lot, into not more than 4 parts. If the lot or outlot is not serviced by public sewer and water the minimum area of each division must meet the width and area requirements of the act or local zoning, if greater. If the lot is served by a public sewer and water system, then conformance to the local zoning and subdivision ordinance is required.

IMPORTANT OBJECTIVES OF THE ACT

1. To encourage, rather than prohibit, subdividing of land, but under conditions that will not be detrimental to the State's natural resources or the public health.
2. To permit flexibility of land use in areas served by adequate public sewer and water facilities.
3. To promote accurate titling and conveyancing of land by more accurate descriptions resulting from proper surveying and monumenting of subdivision boundaries and lots.
4. To provide reasonable protection for both the ethical developer and the lot and home buying public.
5. Stronger enforcement provisions for violations of the Act.
6. To provide for adequate local government authority and responsibility for approval of plats.
7. To establish uniform procedures for the submission and approval of subdivision plats.

UNIFORM PROCEDURES

One of the serious problems created by the 1929 plat act was caused by a lack of uniform procedures and provisions for filing and approval of plats. Some local units required preliminary plats to be filed first and others didn't. Some had carefully worked out and published rules, other had none at all.

Some local units required health department inspection for land suitability. Even where there is a county health code, local units adhered to it or ignored it, as they choose. Only the final plat was required to be sent to the State Highway Department, which often worked a hardship on the subdivider who did not know enough to contact that Department at the very beginning.

The present act changes this. A preliminary plat is uniformly required to be filed and copies are required to be sent to affected governmental agencies as specified in the act and under certain specified conditions (Sections 111-119). For example, if a state trunk line highway is involved, it is the proprietor's responsibility to send a copy of the preliminary plat to the Department of Transportation, so that he may be advised of their requirements before proceeding further. Final plats must then reflect the requirements set forth on preliminary plats for approval or face rejection.

Of equal importance to municipalities and subdividers are Sections 112 and 120. Section 112 is intended to permit a subdivider to submit a plan showing the entire and eventual development. For example, a subdivider may plan to subdivide a tract of land into 1000 lots over a period of several years.

Under this section, he may be given tentative approval of the entire scheme. This tentative approval assures the proprietor that for a one-year period (which may be extended) the municipality may not change the lot sizes, the lot orientation or the street layout.

Tentative approval must be made by the governing body within 90 days, or the plat may be rejected.

Section 120 covers submission or preliminary plats of subdivisions which are intended for immediate development. A preliminary plat under this Section would require the approvals of the various approving authorities to which copies are to be submitted in accordance with Sections 112-119. Once approved by these authorities, such "final" approval assures the subdivider that for a 2 year period (which may be extended), the general terms and conditions under which these approvals were made may not be changed.

A preliminary plat, under Section 120, may be a part of the entire development tentatively approved under Section 112(2).

The purpose of the tentative approval is to encourage longer-range planning of developments and at the same time offer the subdivider reasonable protection against changes in lot sizes and layout.

The purpose of providing for the one year period only is to protect municipalities against approval of what may turn out to be a "paper" plat, made for speculation only, rather than development of the land by the proprietor who seeks approval.

Uniform drafting and surveying standards are also spelled out in the law.

An important feature of the act is that the meaning of each required certificate is set forth by law, so that each certification will be made in the light of this knowledge.

SOME OTHER FEATURES OF THE ACT

Officials of small local units are also relieved of performing technical functions. Some of these are vested instead in the Health Department, the drain commissioner, the county road commission and in some State agencies. The means is also provided for charging the subdivider a reasonable fee and the authority for employing an engineer to assist the governing body in reviewing and approving plats.

Local government has thus been provided with the means to prevent indiscriminate subdividing and its unfortunate effect on sound community growth.

We are confident that the very close relationship and communications we have had in this cooperative effort will be continued. One of the prime objectives of this department in this connection is to render every assistance to local government to effectively administer the provisions of the act.

Reliance on adequately-followed procedures will enable us to reduce detailed examination of plats and resultant delays in approval.

To make this possible, however, approvals of plats at the local level must be supported by adherence to prescribed procedure, adoption of ordinances and published regulations and a thorough review of plats at the local and county level for technical accuracy and conformity to the act's provisions.

LIST OF GUIDELINES TO AVOID DELAYING APPROVAL
AND RECORDING
READ BEFORE PREPARING A FINAL PLAT

1. CERTIFICATE FORM

If a number of owners are required to sign the proprietor's certificate, it is not necessary to specify the number of parcels owned by each. If it is desired to specify the number of parcels, a proprietor has interest in, it should be delineated underneath the proprietor's address. Care shall be taken to assure that all certificates, whether typed or lettered are legible and free of any distortion.

2. LIMITED PARTNERSHIPS OR
CO-PARTNERSHIPS

When signing a plat, the File Number and/or date and the County where the Co-Partnership is filed shall be shown underneath the Proprietor's address.

3. TRUSTEE OR ATTORNEY-IN-FACT

When signing a plat shall offer proof of his authority by noting the Liber, Page and County of recording underneath the Proprietor's address.

4. MARITAL STATUS

Describe whether proprietor is (a) married, (b) a widower, or (c) bachelor. Marital status of women not need be shown. Show marital status in acknowledgement.

5. INFANTS AND INCOMPETENTS

Platting may be accomplished under the provisions of Section 600.2929, Compiled Laws of 1948 (MSA 27A, 2928). Certified copy of the confirmation by circuit court must accompany the plat.

6. OUT OF STATE NOTARIES

Making acknowledgements shall affix seal to plat only if required by that state's notary statute. Rubber stamp facsimile of seal must be used with permanent black ink.

7. SIGNATURES

HAND SIGNED IN PERMANENT BLACK INK.
Rubber stamps may not be used. Signatures in any other medium than permanent black ink shall be sufficient cause for rejection of the final plat. Ball point and felt tip pens are not acceptable.

8. REVERSIONS

Dedication of streets or other lands for public use will not be accepted subject to reversionary rights.

9. RUBBER STAMP CERTIFICATES

Do not use on plats. The surveyor types or letters all certificates on the plat.
10. BUILDING RESTRICTIONS, BUILDING LINES AND FRANCHISE RIGHTS

Do not include in the dedication. May be filed and recorded with the plat as separate documents, if desired by proprietor. Restrictions must be accompanied by a check payable to the Register of Deeds for recording same.
11. COUNTY TREASURER'S CERTIFICATE

Must have recertified if over one year has passed prior to receipt of final plat by Department of Treasury.
12. MUNICIPAL CERTIFICATE

Shall reflect the actual status of both the public sanitary sewer and water main as of the date of municipal approval for subdivisions utilizing municipal sewer and/or water.
13. MUNICIPAL SEWER AND/OR WATER

When a proposed plat is to be served by municipal sewer and/or water and the improvements have not been constructed, copies of the respective state construction permits and proof of surety shall accompany the final plat. When a proposed plat is serviced by completed municipal sewer and/or water, the municipal certificate to that effect is all that is required.
14. REQUIRED HEALTH DEPARTMENT ALTERATIONS

Provide "As-Built" grading plans prior to approval of the final plat if required by Health Department approval of preliminary plat.
15. APPROVAL OF RESTRICTIONS BY HEALTH DEPARTMENT

Not required if restrictions placed on the subdivision as a part of the Health Department's approval of the preliminary plat are repeated exactly in the building and use restrictions.
16. NOTICE OF EXTENSION OF FINAL APPROVAL OF THE PRELIMINARY PLAT BY MUNICIPALITY

Required only if the date of the Health Department approval of preliminary plat is more than three years prior to the date of receipt of the final plat by State Treasury.
17. CROSS-REFERENCE RESTRICTION NOTES

On all plats which have Department of Natural Resources and/or Health Department restrictions, place a cross-reference restriction note on all drawing sheets.

18. DRAFTING OF PLAT

Clearly show all details on the plat by drafting of professional quality. Poorly drawn or illegible plats defeat the purposes for which they are made and will be cause for rejection on the final plat.

19. SURVEYOR'S CERTIFICATE

Showing acreage of plat to 1/10 acre or less in the description is desirable.

20. SURVEYOR'S SEAL

Must be applied to each mylar sheet of the final plat in permanent black ink.

21. MULTI-SHEET PLATS

The following data shall be contained on all drawing sheets:

- a. North arrow
- b. Legend
- c. Vicinity map
- d. Diagram of scale
- e. Cross-reference restriction notes
(Department of Natural Resources,
Health Department, etc.)
- f. Match lines

The following data shall be contained on all sheets:

- a. Surveyor's seal
- b. Caption
- c. Sheet _____ of _____

22. BEARING DATUM

Acceptable Bearing Datums are:

- a. Michigan Department of Transportation or County Road Plans - Provide project number of plan number in final plat legend.
- b. Astronomical Observations - Provide statement in final plat legend.
- c. Plat of Record - Provide plat name and Liber and Page of recordation in final plat legend.

23. DRAFTING PROCEDURES

- a. Use of dittos is permitted on contiguous identical rectangular or parrallelogram lots if a lot at each end of the tier of lots has bearings and dimensions on all four sides.
- b. In areas on the plat where space and detail required preclude clarity, consider the use of a separate, detailed drawing on the plat at a larger scale. Detailed drawings must be properly referenced to the drawing of the subdivision.

24. ADDITIONAL INFORMATION PERMITTED
ON THE FINAL PLAT

- a. Benchmarks may be shown
- b. Special building setback lines may be shown
- c. "Front" may be used on lots in addition to the requirements of Act 288.
- d. Access restrictions to lots shall be placed in the Proprietor's Certificate. Access restrictions to lots may also be placed on the plat drawing.
- e. A note may be located in the legend as to riparian rights. If water front lots extend to the water's edge, a statement to that effect must be in the Proprietor's Certificate.
- f. Other information which serves to clarify the final plat, provided the Plat Section is contacted in writing and grants written approval prior to placing same on the final plat.

25. PLATS IN MORE THAN ONE
MUNICIPALITY

Show the corporate line. Monuments are to be placed and shown on the drawing where the plat boundary and corporate line intersect. If a lot is divided by the corporate line, show the portion and dimensions of such lot in each municipality. The name of each municipality shall be shown on the respective side of the corporate line.

26. LENGTH OF BOUNDARY LINE

Must agree with the aggregate of the lot and street dimensions along that line.

27. RADIUS LINES

Indicate by the symbol "R" which lines are radial, when any portion of the drawing is curvilinear. The symbol "R" shall be delineated in the plat legend.

28. PUBLIC GROUNDS

Must be shown as separate areas, not as part of lot areas. Must be dedicated to the public in the proprietor's certificate. Public Parks must be dedicated by name. The intent and extent of the use must be defined. Public Grounds must be monumented. Public walkways, alleys, parks, streets and roads are examples of public grounds. Access to public parks must be provided and shall be provided by dedication and shall not be included as parts of proposed lots. Public streets, roads and parks must be named.

29. CURVES

State in description the direction of the curve. Curve data for any curve which is part of the plat boundary shall be shown on the drawing. Curve data for all curves in the interior of a plat may be shown in a curve data box. Each curve shall be numbered on the drawing and a corresponding number placed in the curve data box. Minimum curve data to be shown for each curve is delta angle, radius, and the bearing and distance of the long chord. Curve data box must appear on the sheet to which it applies. The length of arc may also be shown.

30. PRIVATE GROUNDS

Must be shown as separate areas, not as part of lot areas. The intent and the extent of the use of private grounds must be set forth in the proprietor's certificate by name. Private walkways, alleys, parks, streets and roads are examples of private grounds. Private alleys, streets and roads must be monumented. Private walkways and parks do not need to be monumented. Access to private parks must be provided and shall be provided by dedication. Private grounds are to be shown, named, labeled, dimensioned and dedicated as to intended use.

31. ASSESSOR'S PLATS

Is not intended to be used where a proprietor is required by the Act to submit a plat. Contact Plat Section, Department of Treasury, first, if you are not certain.

32. COMPLETED TRAVERSE
SHEET OF BOUNDARY

Submit with each plat. Computer printouts may be used if the coordinate points can be properly identified. Acreage of the plat shall be shown on the traverse sheet to the nearest 1/100 of an acre. Relative error of closure shall be shown.

33. STATE HIGHWAY

Obtain construction permits for highway approaches from District Highway Offices prior to the submitting of the final plat for approvals.

34. FLOOD PLAIN ALTERATIONS

Provide "As-Built" grading plans prior to approval of final plat, if required by the Department of Natural Resources approval of preliminary plat.

35. DEPARTMENT OF TRANSPORTATION
CERTIFICATES

Where applicable the following certificates shall be used:

a. Proprietor's Plats

MICHIGAN DEPARTMENT OF TRANSPORTATION

Approved on _____ as
complying with Act 288, P.A. of 1967
and the applicable published rules and
regulations of the Department of Trans-
portation

MICHIGAN DEPARTMENT OF TRANSPORTATION

John P. Woodford, Director

b. Assessor's Plats

MICHIGAN DEPARTMENT OF TRANSPORTATION

Approved on _____, as complying
with existing right of way.

MICHIGAN DEPARTMENT OF TRANSPORTATION

John P. Woodford, Director

36. NAMING SUBDIVISION

The words "addition" or "extension" are not to be used in the plat title. Name your plat so it won't conflict with that of an already recorded plat in the county.

37. EASEMENTS OF RECORD

Locate and dimension on drawing and place Liber and Page of recordation on drawing.

38. PROPOSED EASEMENTS

Show and dimension and label on final plat. Any easement intended for public utilities shall be so labeled. All other easements shall be labeled for the use intended. If public utilities are to be located within the dedicated right-of-way, a letter to that effect shall be provided.

39. STATUS OF ADJOINING LAND

Show on the plat in dashed letters and/or numbers the name of the adjoining plat or plats together with the Liber and Page of recordation or as "unplatted".

40. ACCESS TO PLAT

If access to plat is provided by easement, note on the drawing the recording data for the document establishing the easement for access to the plat.

41. ACCESS TO LOTS

If assured permanent access to lots is provided by easement and is permitted by a local subdivision control ordinance or a zoning ordinance with subdivision control provisions, note on the drawing the recording data for the document establishing the easement for access to the lots.

42. DESCRIPTION

Make it so complete that from it the starting point and outline may be determined without reference to the drawing. If the proposed plat boundary is common with a plat of record, reference plat of record in the description by name, Liber and Page of recordation.

43. POINT OF BEGINNING

Show the Government Corner on the map and its respective location to the point of beginning of the plat. Government Corners only include:

- a. Section corners
- b. 1/4 Section corners
- c. Meander corners on a Section line
- d. Private claim corners

Should special circumstances arise where the above Government Corners are absolutely unavailable, the Plat Section should be contacted prior to preparation of the plat.

NOTE: Center of Sections, 1/8 corners or 1/16 corners are not Government Corners.

44. CREEKS, WATERWAYS
AND DRAINS
- Show on plat drawing the waters edge of all free flowing creeks, streams, drains and impoundments. Show a traverse line as required by the act and necessary dimensions. If a watercourse is shown on a 7½ minute quadrangle map, more than likely it should be delineated on the plat map. If in question, obtain clarification from Bureau of Water Management in preliminary plat stage.
45. ALTERATION OF STATE
TRUNKLINE DRAINAGE
- Preliminary plat within 500 feet of State Trunkline Right of Way should be submitted to Department of Transportation for review of potential drainage impact.
46. SEQUENCE OF DATES ON
FINAL PLATS
- Dates of approval must be in the following order:
- Surveyor
Proprietor
County Treasurer
Drain Commissioner
County Road Commission
Governing Body
County Plat Board
- After approval by County Plat Board, they forward the plat to the Plat Section of the Michigan Department of Treasury. If applicable, the Plat Section will forward the plat to the Michigan Department of Transportation for their approval.
47. SUBDIVISION BULLETINS
- 14 Subdivision Bulletins have previously been issued by the Plat Section which clarify many questions regarding platting. Additional Subdivision Bulletins may be published in the future.
48. PLAT SECTION, STATE
TREASURER'S OFFICE
- If you have reviewed the Manual of Instructions (Act 288, Guidelines and Explanations and Rules and Regulations) and the Subdivision Bulletins and further clarification is required, call the Plat Section prior to preparing the final plat.